

Message Text

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ORIGIN OES-07

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FM SECSTATE WASHDC
TO AMEMBASSY SAN JOSE

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E.O. 11652: N/A

TAGS: TOCY, EFIS, IATTC, CR

SUBJECT: M/V QUEEN MARY CLEARANCE REQUEST, 1 JULY - 20 AUG
1978

1. THE SOUTHWEST FISHERIES CENTER OF THE NATIONAL OCEANIC
AND ATMOSPHERIC ADMINISTRATION (NOAA) IS PLANNING TO CON-
DUCT RESEARCH AIMED AT DEVELOPING METHODS OF REDUCING THE
MORTALITY OF PORPOISE DURING COMMERCIAL FISHING OPERATIONS
AND TO ASSESS THE STATUS OF PORPOISE STOCKS. SPONSORS OF
THE RESEARCH INCLUDE NOAA, THE NATIONAL SCIENCE FOUNDATION,
AND THE MARINE MAMMAL COMMISSION.

2. NOAA WILL USE A CHARTERED VESSEL, THE M/V QUEEN MARY,
TO CONDUCT THE RESEARCH. M/V QUEEN MARY IS A TUNA SEINER
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HAVING THE CAPABILITY TO DEPLOY COMMERCIAL FISHING GEAR
NECESSARY TO CONDUCT THE RESEARCH AND TEST EQUIPMENT
DEVELOPED TO PREVENT THE TAKING OF PORPOISE DURING FISHING
OPERATIONS FOR TUNA. OF SPECIAL INTEREST IS THE COMMON
DOLPHIN, DELPHINUS DELPHIS, KNOWN TO OCCUR FREQUENTLY
ALONG GUARDIAN BANK (9 DEGREES 17' N, 87 DEGREES 19' W).
A CHARTLET IS BEING POUCHED WHICH SHOWS THE SURVEY AREA.

ALL TUNA CAUGHT IN CONJUNCTION WITH THE PORPOISE RESEARCH
WILL BE PART OF A SPECIAL ALLOCATION GRANTED TO THE U.S.
BY THE INTER-AMERICAN TROPICAL TUNA COMMISSION (IATTC)

SPECIFICALLY FOR THE PURPOSE OF UNDERTAKING SUCH RESEARCH
DURING THE IATTC CLOSED SEASON. FYI: THE GRANTING OF
THIS SPECIAL RESEARCH ALLOCATION GENERATED NO CONTROVERSY
DURING IATTC MEETINGS AND WAS SUPPORTED BY ALL IATTC MEM-
BER NATIONS, INCLUDING COSTA RICA. END FYI.

3. THE CRUISE WILL BE DIVIDED INTO TWO PARTS WITH
DR. FRANK AWBREY OF SAN DIEGO STATE UNIVERSITY BEING THE
CHIEF SCIENTIST DURING THE FIRST HALF AND MS. KAREN PRYOR
HEADING THE SECOND HALF. A ONE-DAY PORT CALL IS PLANNED
FOR PUNTA ARENAS DURING THE PERIOD 20 JULY - 5 AUGUST.
SHIP'S CAPTAIN IS RALPH SILVA, JR. WITH A CREW OF 14 AND
SCIENTIFIC PARTY OF 6.

4. M/V QUEEN MARY IS 722 GROSS TONS, 42 M LONG WITH A 5 M
DRAFT. RADIO CALL SIGN IS WY 5524 AND SHIP MONITORS 2182
KHZ.

5. ALL DATA RESULTS WILL BE FREELY SHARED WITH THE GOCR
AND ONE BERTH IS AVAILABLE FOR A COSTA RICAN PARTICIPANT.
SPACE ABOARD THE VESSEL IS VERY LIMITED, THEREFORE NO MORE
THAN ONE BERTH CAN BE OFFERED.
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6. EQUIPMENT TO BE USED INCLUDES ONLY FISHING GEAR AND
SCUBA GEAR FOR VIEWING OPERATION OF NETS FROM BELOW WATER
SURFACE.

7. ACTION: EMBASSY IS REQUESTED TO SEEK PERMISSION FOR
M/V QUEEN MARY TO CONDUCT MARINE MAMMAL RESEARCH IN COSTA
RICAN 200 MILE FISHERIES ZONE DURING PERIOD 1 JULY -
20 AUG 1978. FYI: (A) CLEARANCE REQUEST IS SENSITIVE
BECAUSE IT INVOLVES FISHING FOR TUNA IN COSTA RICA'S
CLAIMED 200 MILE FISHERIES ZONE. EMBASSY IS WELL AWARE
THAT TUNA, AS A HIGHLY MIGRATORY SPECIES, IS EXCLUDED
FROM THE FISHERY CONSERVATION AND MANAGEMENT ACT; THERE-
FORE, THE REQUEST, FROM USG POINT OF VIEW, CANNOT BE
BASED ON THE COASTAL STATE JURISDICTION OF COSTA RICA OVER
TUNA. HOWEVER, UNDER THE MARINE MAMMAL ACT THE USG
EXERCISES JURISDICTION OVER SCIENTIFIC RESEARCH INVOLVING
THE TAKING OF MARINE MAMMALS. USG MAY THEREFORE CON-
SISTENTLY SEEK GOCR PERMISSION FOR PROPOSED RESEARCH, AS
THE OBJECTIVE OF THE RESEARCH INVOLVES THE MORTALITY OF
PORPOISE DURING FISHING OPERATIONS AND WILL IN FACT INCLUDE
THE TAKING OF PORPOISE. IN MAKING REQUEST TO GOCR,

EMBASSY SHOULD MAKE SURE THAT THERE IS NO IMPLICATION
THAT REQUEST IS BEING MADE AS RESULT OF GOCR JURISDICTION
OVER TUNA. (IF QUERIED BY THE GOCR AS TO THE BASIS FOR
OUR REQUEST EMBASSY SHOULD STATE THAT UNDER THE MARINE
MAMMAL ACT, THE U.S. RECOGNIZES A COSTAL STATE'S RIGHT TO

ASSERT JURISDICTION OVER THE TAKING OF MARINE MAMMALS OUT
TO A DISTANCE OF 200 MILES FROM ITS COAST. IF THIS DOES
NOT SATISFY GOCR, EMBASSY SHOULD DEFER RESPONSE AND
CONSULT WITH DEPT.) (B) THE REQUEST IS BEING SUBMITTED
WITH LESS THAN DESIRABLE LEAD-TIME BECAUSE OF DIFFICULTIES
IN CHARTERING THE VESSEL; HOWEVER, IT IS HOPED THAT COSTA
RICA WILL OVERLOOK THIS BECAUSE OF IMPORTANCE OF RESEARCH.

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